

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
: 07 Cr. 776 (RJH)  
v. :  
: 07 Cr. 776 (RJH)  
JOSE TERRAZAS, :  
: 07 Cr. 776 (RJH)  
Defendant. :  
: 07 Cr. 776 (RJH)  
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**NOTICE OF MOTION**

PLEASE TAKE NOTICE, that defendant Jose Terrazas, by his undersigned attorney will move this Court at the Southern District of New York Courthouse, 500 Pearl Street, New York, New York, on the 23rd day of January, 2008 or as soon thereafter as counsel can be heard, for an order that pursuant Federal Rule of Criminal Procedure 12(b), that the Indictment against Jose Terrazas be dismissed with prejudice because the false statements allegedly made by defendant were immaterial as a matter of law, and materiality is an element of the offenses charged in the Indictment.

Dated: New York, New York  
January 23, 2008

Respectfully submitted,

  
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Steven R. Peikin  
125 Broad Street  
New York, New York 10004-2498

*Attorney for Defendant*

cc: AUSA Adam Hickey